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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,266	01/30/2001	Lotfi Hedhli	3055-002-01	9985

7590

06/04/2003

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EXAMINER

CHEUNG, WILLIAM K

ART UNIT

PAPER NUMBER

1713

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,266

Applicant(s)

HEDHLI ET AL.

Examiner

William K Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 12-14, 16-32 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 11, 15 and 33 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7, 9 6) ☐ Other:

DETAILED ACTION

1. The examiner acknowledges the receipt of the response to Restriction Requirement (Paper No. 10). Applicants elect Group I, claims 1-11, 15, 16, and 33 traverse. Applicants argue that MPEP 803 states that if there is no serious burden on the part of the Examiner to examine the entire subject matter set forth in a patent application, then the examiner must proceed with doing so even if the application is drawn to multiple invention. However, the examiner does not find the argument persuasive because, the examination of multiple inventions does impose serious burden on the examiner. In view of the reasons set forth above, the restriction set forth is deemed proper and is therefore made Final.

Regarding the species election of Group I, in view of applicants' argument set forth in Paper No. 10, the species election requirement for Group I has been withdrawn.

2. The Partial Search Report for European Application No. 01916103 listed in IDS (Paper No. 9) can not be considered and has been removed from the PTO-1449 form because the references is not dated as written.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7, 15, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lunkwitz et al. (US 5,540,837).

*The invention of claims 1, 7, 15, 33 relates to a **polymer blend** comprising:*

*a) at least one **acrylic or vinyl resin** or both having **at least one ionic or ionizable group**; and*

*b) at least one **thermoplastic fluoropolymer**, wherein **a) and b) are different**.*

Lunkwitz et al. (col. 9, line 55-67) disclose membrane which comprises a

PTFE/polyacrylic acid blend prepared by treating PTFE membrane with polyacrylic acid.

Since PTFE is a fluoropolymer and polyacrylic acid contain carboxylic acid groups that are ionic or ionizable, Lunkwitz et al. contain all the inventive features of claims 1, 7, 15, 33 in a single embodiment. Therefore, the invention of claims 1, 7, 15, 33 is anticipated.

5. Claims 1-3, 6, 8, 9, 15, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Prakash et al. (WO 98/22989).

*The invention of claims 1-3, 6, 8, 9, 15, 33 relates to a **polymer blend** comprising:*

*a) at least one **acrylic or vinyl resin** or both having **at least one ionic or ionizable group**; and*

*b) at least one **thermoplastic fluoropolymer**, wherein a) and b) are different.*

Prakash et al. (page 7, line 6-17) disclose a membrane composed of a polyblend of sulfonated polystyrene and poly(vinylidene fluoride). Since sulfonated polystyrene is a vinyl resin contain at least one ionic or ionizable sulfonated group, Prakash et al. contain all the inventive features of claims 1-3, 6, 8, 9, 15, 33 in a single embodiment. Therefore, the invention of claims 1-3, 6, 8, 9, 15, 33 is anticipated.

6. Claims 1-3, 7, 8, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Röber et al. (WO 98/22989).

*The invention of claims 1-3, 7, 8, 11 relates to a **polymer blend** comprising:*

*a) at least one **acrylic or vinyl resin** or both having **at least one ionic or ionizable group**; and*

*b) at least one **thermoplastic fluoropolymer**, wherein a) and b) are different.*

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Röber et al. (abstract) disclose a multiplayer plastic pipe which contains a layer comprising a mixture (or a blend) of PVDF and an acrylate copolymer. Further, Röber et al. (col. 3, line 50-55) disclose that the acrylate copolymer contains 0-15 weight % of carboxylic acid ionic or ionizable group. Therefore, Röber et al. contain all the inventive features of claims 1-3, 7, 8, 11. Therefore, the invention of claims 1-3, 7, 8, 11 is anticipated.

Allowable Subject Matter

7. Claims 4, 5, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art Prakash et al. (WO 98/22989) does not disclose a blend containing a PVDF copolymer or a blend containing a fluorinated acrylic or vinyl resin.

Conclusion

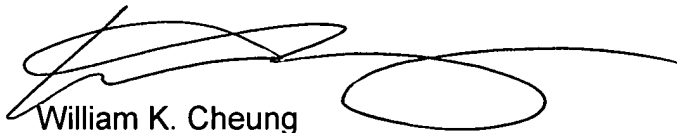
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K Cheung whose telephone number is (703)

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305-0392. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5885 for regular communications and (703) 305-5885 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'William K. Cheung', with a large, stylized loop at the end.

Patent Examiner

June 2, 2003
